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**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 10/576,455
Filing Date: April 20, 2006
Appellant(s): BOETTCHER ET AL.

Erik R. Swanson
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 4/3/09 appealing from the Office action mailed 9/19/08.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

| | | |
|---|---|---|
| 4,268,247 | Freze | 05-1981 |
| 4,326,342 | Schregenberger | 04-1982 |
| 4,549,362 | Haried | 10-1985 |

| | | |
|---|---|---|
| DE2220425 | Heissmeier | 11-1973 |
| 3,538,614 | Weimer et al. | 11-1970 |

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claim 6 is rejected 35 U.S.C. 103(a) as being unpatentable over Freze (U.S. Pat. 4,268,247) in view of Schregenberger (U. S. Pat. 4,326,342).

Freze shows a method and an apparatus for drying laundry comprising a drying chamber 14, a process air circuit 14, 16, 20, 26, 14 including a fresh air supply passageway 39 and exhaust air discharge passageway 38, a heater 36 disposed in the process air circuit, a blower 18 disposed in the process air circuit and configured to convey drying air through the drying chamber 14, a flow dividing device 30, 31 disposed in the process air circuit and configured to controllably divide a flow of the drying air into an exhaust air 38 and a recirculation air component 70, 26 which are arranged in the same manner as broadly claimed. The flow dividing device includes a shut off damper 31 configured to completely or partially close an air path of the recirculated air component. However, Freze does not show a pressure sensor and a program control module for controlling the shut-off damper based on measured pressure profile in an air stream of the process air circuit in an area where the drying air enters the drying chamber. Schregenberger teaches a concept of using a pressure sensor measuring the pressure in a gas stream 13 where the gas enters the chamber 8 and controlling the shut-off damper 26 by a program control module 25 to completely or partially close the gas path of the recirculated gas based on the measured pressure (col. 4, lines 5-17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the laundry

drying method and apparatus of Freze to include a pressure sensor and a program control module for controlling the damper based on the measured pressure as taught by Schregenberger in order to balance operation of the dryer by maintaining a constant and desired flow rate of the drying gas to the dryer chamber to correspondingly maintain the temperature of the drying gas within the dryer at a desired level. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by know method or means with no change in their respective functions, and the combination would have yielded predictable results to on ordinary skill in the art at the time of the invention. (see KSR International Co. v. Teleflex, Inc. 82 USPQ 2d 1385 (2007). With regard to last two lines of f claim 6, the heating power will be inherently reduced and affected by variation of incoming fresh make up air 84 or outgoing hot exhaust air 38 or speed of blowers 40, 18.

Claim 6 is rejected 35 U.S.C. 103(a) as being unpatentable over Haried (U.S. Pat. 4,549,362) in view of Schregenberger (U. S. Pat. 4,326,342).

Haried shows a method and an apparatus for drying laundry comprising a program control module50, a drying chamber 10, a process air circuit 10, 12, 22, 38, 10 including a fresh air supply passageway 32 and exhaust air discharge passageway 30, a heater 40 disposed in the process air circuit, a blower 14 disposed in the process air circuit and configured to convey drying air through the drying chamber 10, a flow dividing device 37 disposed in the process air circuit and configured to controllably divide a flow of the drying air into an exhaust air 30 and a recirculation air component 38 which are arranged in the same manner as broadly claimed. The flow dividing device includes a shut off damper 37 configured to completely or partially close an air path 38 of the recirculated air component. However, Haried does not show a pressure sensor

and a program control module for controlling the shut-off damper based on measured pressure profile in an air stream of the process air circuit in an area where the drying air enters the drying chamber. Schregenberger teaches a concept of using a pressure sensor measuring the pressure in a gas stream 13 where the gas enters the chamber 8 and controlling the shut-off damper 26 by a program control module 25 to completely or partially close the gas path of the recirculated gas based on the measured pressure (col. 4, lines 5-17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the laundry drying method and apparatus of Haried to include a pressure sensor and a program control module for controlling the damper based on the measured pressure as taught by Schregenberger in order to in order to balance operation of the dryer by maintaining a constant and desired flow rate of the drying gas to the dryer chamber to correspondingly maintain the temperature of the drying gas within the dryer at a desired level. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by know method or means with no change in their respective functions, and the combination would have yielded predictable results to on ordinary skill in the art at the time of the invention. (see KSR International Co. v. Teleflex, Inc. 82 USPQ 2d 1385 (2007). With regard to last two lines of claim 6, the heating power will be inherently reduced and affected by variation of incoming fresh make up air 84 or outgoing hot exhaust air 38 or speed of blowers 40, 18.

Claim 6 is rejected 35 U.S.C. 103(a) as being unpatentable over Heissmeeier (DE 2220425) in view of Schregenberger (U. S. Pat. 4,326,342).

Heissmeeier shows a method and an apparatus for drying laundry comprising a drying chamber 7, a process air circuit 7,5,8,7 including a fresh air supply passageway (not numbered,

see Figure) and exhaust air discharge passageway 11, a heater 2 disposed in the process air circuit, a blower 3 disposed in the process air circuit and configured to convey drying air through the drying chamber 7, a flow dividing device (not numbered, see figure) disposed in the process air circuit and configured to controllably divide a flow of the drying air into an exhaust air 11 and a recirculation air component which are arranged in the same manner as broadly claimed. The flow dividing device includes a shut off damper (see figure) configured to completely or partially close an air path 11 of the recirculated air component. However, Heissmeeier does not show a pressure sensor and a program control module for controlling the shut-off damper based on measured pressure profile in an air stream of the process air circuit in an area where the drying air enters the drying chamber. Schregenberger teaches a concept of using a pressure sensor measuring the pressure in a gas stream 13 where the gas enters the chamber 8 and controlling the shut-off damper 26 by a program control module 25 to completely or partially close the gas path of the recirdulated gas based on the measured pressure (col. 4, lines 5-17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the laundry drying method and apparatus of Heissmeeier to include a pressure sensor and a program control module for controlling the damper based on the measured pressure as taught by Schregenberger in order to in order to balance operation of the dryer by maintaining a constant and desired flow rate of the drying gas to the dryer chamber to correspondingly maintain the temperature of the drying gas within the dryer at a desired level. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by know method or means with no change in their respective functions, and the combination would have yielded predictable results to on ordinary skill in the

art at the time of the invention. (see KSR International Co. v. Teleflex, Inc. 82 USPQ 2d 1385 (2007). With regard to last two lines of claim 6, the heating power will be inherently reduced and affected by variation of incoming fresh make up air 84 or outgoing hot exhaust air 38 or speed of blowers 40, 18.

Claims 6, 8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freze (U.S. Pat. 4,268,247) in view of Weimer et al. (U. S. Pat. 3,538,614).

Freze shows a method and an apparatus for drying laundry comprising a drying chamber 14, a process air circuit 14, 16, 20, 26, 14 including a fresh air supply passageway 39 and exhaust air discharge passageway 38, a heater 36 disposed in the process air circuit, a blower 18 disposed in the process air circuit and configured to convey drying air through the drying chamber 14, a flow dividing device 30, 31 disposed in the process air circuit and configured to controllably divide a flow of the drying air into an exhaust air 38 and a recirculation air component 70, 26 which are arranged in the same manner as broadly claimed. The flow dividing device includes a shut off damper 31 configured to completely or partially close an air path of the recirculated air component. However, Freze does not show a pressure sensor and a program control module for controlling the shut-off damper based on measured pressure profile of the drying chamber. Weimer et al. teaches a concept of using a pressure sensor 58 measuring the pressure in the drying chamber in an area where the drying air enters the drying chamber 12 and controlling the shut-off damper 48 by a program control module 54 to completely or partially close the gas path of the recirculated gas based on the measured pressure same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the laundry drying method and apparatus of Freze to include a

pressure sensor and a program control module for controlling the damper based on the measured pressure as taught by Weimer et al. in order to control the drying air flow and to maintain a uniformly dried product. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by know method or means with no change in their respective functions, and the combination would have yielded predictable results to on ordinary skill in the art at the time of the invention. (see KSR International Co. v. Teleflex, Inc. 82 USPQ 2d 1385 (2007). With regard to last two lines of claim 6, the heating power will be inherently reduced and affected by variation of incoming fresh make up air 84 or outgoing hot exhaust air 38 or speed of blowers 40, 18.

Claims 6, 8, 10 are rejected 35 U.S.C. 103(a) as being unpatentable over Haried (U.S. Pat. 4,549,362) in view of Weimer et al. (U. S. Pat. 3,538,614).

Haried shows a method and an apparatus for drying laundry comprising a program control module50, a drying chamber 10, a process air circuit 10, 12, 22, 38, 10 including a fresh air supply passageway 32 and exhaust air discharge passageway 30, a heater 40 disposed in the process air circuit, a blower 14 disposed in the process air circuit and configured to convey drying air through the drying chamber 10, a flow dividing device 37 disposed in the process air circuit and configured to controllably divide a flow of the drying air into an exhaust air 30 and a recirculation air component 38 which are arranged in the same manner as broadly claimed. The flow dividing device includes a shut off damper 37 configured to completely or partially close an air path 38 of the recirculated air component. However, Haried does not show a pressure sensor and a program control module for controlling the shut-off damper based on measured pressure profile of the drying chamber. Weimer et al. teaches a concept of using a pressure sensor 58

measuring the pressure in the drying chamber in an area where the drying air enters the drying chamber 12 and controlling the shut-off damper 48 by a program control module 54 to completely or partially close the gas path of the recirculated gas based on the measured pressure same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the laundry drying method and apparatus of Haried to include a pressure sensor and a program control module for controlling the damper based on the measured pressure as taught by Weimer et al. in order to control the drying air flow and to maintain a uniformly dried product. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by know method or means with no change in their respective functions, and the combination would have yielded predictable results to on ordinary skill in the art at the time of the invention. (see KSR International Co. v. Teleflex, Inc. 82 USPQ 2d 1385 (2007). With regard to last two lines of claim 6, the heating power will be inherently reduced and affected by variation of incoming fresh make up air 84 or outgoing hot exhaust air 38 or speed of blowers 40, 18.

Claims 6, 8, 10 are rejected 35 U.S.C. 103(a) as being unpatentable over Heissmeeier (DE 2220425) in view of Weimer et al. (U. S. Pat. 3,538,614).

Heissmeeier shows a method and an apparatus for drying laundry comprising a drying chamber 7, a process air circuit 7,5,8,7 including a fresh air supply passageway (not numbered, see Figure) and exhaust air discharge passageway 11, a heater 2 disposed in the process air circuit, a blower 3 disposed in the process air circuit and configured to convey drying air through the drying chamber 7, a flow dividing device (not numbered, see figure) disposed in the process air circuit and configured to controllably divide a flow of the drying air into an exhaust air 11

and a recirculation air component which are arranged in the same manner as broadly claimed. The flow dividing device includes a shut off damper (see figure) configured to completely or partially close an air path 11 of the recirculated air component. However, Heissmeeier does not show a pressure sensor and a program control module for controlling the shut-off damper based on measured pressure profile of the drying chamber. Weimer et al. teaches a concept of using a pressure sensor 58 measuring the pressure in the drying chamber in an area where the drying air enters the drying chamber 12 and controlling the shut-off damper 48 by a program control module 54 to completely or partially close the gas path of the recirculated gas based on the measured pressure same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the laundry drying method and apparatus of Heissmeeier to include a pressure sensor and a program control module for controlling the damper based on the measured pressure as taught by Weimer et al. in order to control the drying air flow and to maintain a uniformly dried product. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by know method or means with no change in their respective functions, and the combination would have yielded predictable results to on ordinary skill in the art at the time of the invention. (see KSR International Co. v. Teleflex, Inc. 82 USPQ 2d 1385 (2007). With regard to last two lines of claim 6, the heating power will be inherently reduced and affected by variation of incoming fresh make up air 84 or outgoing hot exhaust air 38 or speed of blowers 40, 18.

**(10) Response to Argument**

1. Rejection of claim 6 under 35 U.S.C. § 103(a) based on U.S. Patent No. 4,268,247 to Freze in view of U.S. Patent No. 4,326,342 to Schregenberger.

On pages 4-5 of the Brief, the appellant argues that each of Freze and Schregenberger fails to teach or suggest controlling a flow dividing device based on an evaluating of a pressure or pressure profile so as to continue a drying process at a reduced volumetric flow rate. The appellant also argues that there is no indication in Schregenberger that the flow rate through a drying chamber is reduced based on an evaluation of the pressure sensor. Neither of these references describes reducing volumetric flow rate based on an evaluating of a pressure and/or pressure profile. Therefore, it would not have been obvious in view of any combination, to the extent proper, of Freze and Schregenberger to control a flow dividing device based on the evaluating of a pressure and/or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6. The cited references do not teach or suggest reducing the heating power of the burner based on drying air volumetric flow rate, as recited in claim 6. Nor would reduction of the heating power of the burners of Freze and Schregenberger be inherent based on variation of the incoming fresh make up air, as such reduction in heating power would not necessarily be present in the respective prior systems.

The examiner disagrees with the appellant's narrow interpretation of the prior art references. The arguments are not germane to the claims at issue. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., controlling a flow dividing device based on an evaluating of a pressure or pressure profile) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, patent to Schregenberger does show and teach such "controlling the flow dividing device 26 based on the evaluating of a pressure or pressure profile(by pressure sensor 25) in a gas stream 13 where the gas enters the drying chamber 8 so as to reduce or set to zero the recirculated air component 13 (by closing the damper 26) and to continue a drying process at a reduced volumetric flow rate of the drying air through the drying chamber 8". The appellant's argument regarding "reducing the heating power of the burner based on drying air volumetric flow rate" is not persuasive because if the incoming cold fresh make-up air of Freze is varied or reduced then, the drying air flow rate will vary or decrease. The heating power will also be reduced since there will be lesser power needed to maintain the desired high drying temperature. Conversely, if the incoming fresh cold make up air is increased, then the drying air flow rate also will increase. There will be more heating power needed to heat up the incoming fresh cold make-up air to maintain the desired high drying temperature. This is simply a common sense. Freze patent clearly shows this operation. In particular, if outgoing exhaust air 30 increases its flow rate, then, the incoming cold fresh make-up air 30 will increase its flow rate. The heating power will inevitably increase to heat the incoming cold make up air to a desired high drying temperature. If outgoing exhaust air 30 decreases its flow rate, then, the incoming cold fresh make-up air 30 will decrease its flow rate also. The need of the heating power will decrease for heating the incoming cold make up air to a desired high drying temperature. For the foregoing reasons, it is respectfully submitted that claim 6 is unpatentable over the combination Freze and Schregenberger patents. The rejection of claim 6 under 35 U.S.C. § 103(a) based on Freze in

view of Schregenberger should be affirmed.

2. Rejection of claim 6 under 35 U.S.C. § 103(a) based on U.S. Patent No. 4,549,362 to Haried in view of U.S. Patent No. 4,326,342 Schregenberger.

On pages 6-7 of the Brief, the appellant argues that each of Haried and Sehregenberger fails to teach or suggest controlling a flow dividing device based on an evaluating of a pressure or pressure profile so as to continue a drying process at a reduced volumetric flow rate. Haried does not include a pressure sensor, it cannot teach controlling a flow dividing device based on the evaluating of a pressure or pressure profile, as recited in claim 6. With respect to Schregenberger, that reference describes actuating a damper 29 based on the measurement of a sensor 28 in order to return an oven to a balanced condition. The appellant also argues that there is no indication in Schregenberger that the flow rate through a drying chamber is reduced based on an evaluation of the pressure sensor. Neither of these references describes reducing volumetric flow rate based on an evaluating of a pressure and/or pressure profile. Therefore, it would not have been obvious in view of any combination, to the extent proper, of Haried and Schregenberger to control a flow dividing device based on the evaluating of a pressure and/or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6. The cited references do not teach or suggest reducing the heating power of the burner based on drying air volumetric flow rate, as recited in claim 6. Nor would reduction of the heating power of the burners of Freze and Schregenberger be inherent based on variation of the incoming fresh make up air, as such reduction in heating power would not necessarily be present in the respective prior systems. The appellant also stated that that neither of these cited references anywhere teach or suggest reducing the heating power of the heater based on drying

air volumetric flow rate, as recited in claim 6. Nor would reduction of the heating power of the burners of Haried and Schregenberger be inherent based on variation of the incoming fresh make up air, as such reduction in heating power would not necessarily be present in the respective prior systems. No support has been provided by the Examiner for this contention.

The examiner disagrees with the appellant's narrow interpretation of the prior art references. The arguments are not germane to the claims at issue. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., controlling a flow dividing device based on an evaluating of a pressure or pressure profile) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, patent to Schregenberger does show and teach such "controlling the flow dividing device 26 based on the evaluating of a pressure or pressure profile(by pressure sensor 25) in a gas stream 13 where the gas enters the drying chamber 8 so as to reduce or set to zero the recirculated air component 13 (by closing the damper 26) and to continue a drying process at a reduced volumetric flow rate of the drying air through the drying chamber 8". Therefore, it is the examiner's position that it would have been obvious to one skilled in the art to modify the laundry drying method and apparatus of Haried to include a pressure sensor and a program control module for controlling the damper based on the measured pressure as taught by Schregenberger in order to control the drying air flow and to maintain a uniformly dried product. The appellant's argument regarding "reducing the heating power of the heater based on drying air volumetric flow rate" is not persuasive because if the incoming cold fresh make-up air 32 in

Haried patent is varied or reduced then, the drying air flow rate will vary or decrease. The heating power will also be reduced since there will be lesser power needed to maintain the desired high drying temperature. Conversely, if the incoming fresh cold make up air 84 is increased, then the drying air flow rate also will increase. There will be more heating power needed to heat up the incoming fresh cold make-up air to maintain the desired high drying temperature. This is simply a common sense. Haried patent clearly shows this operation. In particular, if outgoing exhaust air 30 increases its flow rate, then, the incoming cold fresh make-up air 32 will increase its flow rate. The heating power will inevitably increase to heat the incoming cold make up air to a desired high drying temperature. If outgoing exhaust air 30 decreases its flow rate, then, the incoming cold fresh make-up air 32 will also decrease its flow rate also. The need of the heating power will decrease for heating the incoming cold make up air to a desired high drying temperature.

For the foregoing reasons, it is respectfully submitted that claim 6 is unpatentable over the combination Haried and Schregenberger patents. The rejection of claim 6 under 35 U.S.C. § 103(a) based on Haried in view of Schregenberger should be affirmed.

3. Rejection of claim 6 under 35 U.S.C. § 103(a) based on German Patent No. DE 2220425 to Heissmeeier in view of U.S. Patent No. 4,326,342 Schregenbergcr.

On pages 7-8 of the Brief, the appellant argues that each of Heissmeeier and Schregenberger fails to teach or suggest controlling a flow dividing device based on an evaluating of a pressure or pressure profile so as to continue a drying process at a reduced volumetric flow rate. The appellant also argues that there is no indication in Schregenberger that the flow rate through a drying chamber is reduced based on an evaluation of the pressure sensor.

Neither of these references describes reducing volumetric flow rate based on an evaluating of a pressure and/or pressure profile. Therefore, it would not have been obvious in view of any combination, to the extent proper, of Heissmeeier and Schregenberger to control a flow dividing device based on the evaluating of a pressure and/or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6. The cited references do not teach or suggest reducing the heating power of the burner based on drying air volumetric flow rate, as recited in claim 6. Nor would reduction of the heating power of the burners of Heissmeeier and Schregenberger be inherent based on variation of the incoming fresh make up air, as such reduction in heating power would not necessarily be present in the respective prior systems.

The examiner disagrees with the appellant's narrow interpretation of the prior art references. Claim 6 does not recite these limitations regarding "controlling a flow dividing device based on an evaluating of a pressure or pressure profile so as to continue a drying process at a reduced volumetric flow rate." The arguments are not germane to the claims at issue. The arguments are not germane to the claims at issue. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., controlling a flow dividing device based on an evaluating of a pressure or pressure profile) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, patent to Schregenberger does show and teach such "controlling the flow dividing device 26 based on the evaluating of a pressure or pressure profile(by pressure sensor 25) in a gas stream

13 where the gas enters the drying chamber 8 so as to reduce or set to zero the recirculated air component 13 (by closing the damper 26) and to continue a drying process at a reduced volumetric flow rate of the drying air through the drying chamber 8". Therefore, it is the examiner's position that it would have been obvious to one skilled in the art to modify the laundry drying method and apparatus of Heissmeeier to include a pressure sensor and a program control module for controlling the damper based on the measured pressure as taught by Schregenberger in order to control the drying air flow and to maintain a uniformly dried product. The appellant's argument regarding "reducing the heating power of the heater based on drying air volumetric flow rate" is not persuasive because if the incoming cold fresh make-up air of Heissmeeier is varied or reduced then, the drying air flow rate will vary or decrease. The heating power will also be reduced since there will be lesser power needed to maintain the desired high drying temperature. Conversely, if the incoming fresh cold make up air is increased, then the drying air flow rate also will increase. There will be more heating power needed to heat up the incoming fresh cold make-up air to maintain the desired high drying temperature. This is simply a common sense. Heissmeeier patent clearly shows this operation. In particular, if outgoing exhaust air 11 increases its flow rate, then, the incoming cold fresh make-up air 10 will increase its flow rate. The heating power 2 will inevitably increase to heat the incoming cold make up air to a desired high drying temperature. If outgoing exhaust air 11 decreases its flow rate, then, the incoming cold fresh make-up air 10 will decrease its flow rate also. The need of the heating power will decrease for heating the incoming cold make up air to a desired high drying temperature.

For the foregoing reasons, it is respectfully submitted that claim 6 is unpatentable over any combination Heissmeeier and Schregenberger. The rejection of claim 6 under 35 U.S.C. § 103(a) based on Heissmeerier in view of Schregenberger should be affirmed.

4. Rejection of claim 6 under 35 U.S.C. § 103(a) based on Freze in view of U.S. Patent No. 3,538,614 to Weimer et al..("Weimer").

On pages 9-10 of the Brief, the appellant argues that each of Freze and Weimer fails to teach or suggest controlling a flow dividing device based on an evaluating of a pressure or pressure profile so as to continue a drying process at a reduced volumetric flow rate. The appellant also argues that there is no indication in Weimer that the flow rate through a drying chamber is reduced based on an evaluation of the pressure sensor. Neither of these references describes reducing volumetric flow rate based on an evaluating of a pressure and/or pressure profile. Therefore, it would not have been obvious in view of any combination, to the extent proper, of Freze and Weimer to control a flow dividing device based on the evaluating of a pressure and/or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6. The cited references do not teach or suggest reducing the heating power of the burner based on drying air volumetric flow rate, as recited in claim 6. Nor would reduction of the heating power of the burners of Freze and Weimer be inherent based on variation of the incoming fresh make up air, as such reduction in heating power would not necessarily be present in the respective prior systems. The examiner disagrees with the appellant's narrow interpretation of the prior art references. The arguments are not germane to the claims at issue. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e.,

controlling a flow dividing device based on an evaluating of a pressure or pressure profile) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, Weimer et al. patent does show and teach such "controlling the flow dividing device 48 based on the evaluating (of measured pressure by pressure sensor 58) so as to reduce or set to zero the recirculated air component 46 (by shutting off damper 48) and to continue a drying process at a reduced volumetric flow rate of the drying air 46 through the drying chamber 16". Therefore, it is the examiner's position that it would have been obvious to one skilled in the art to modify the laundry drying method and apparatus of Freze to include a pressure sensor and a program control module for controlling the damper based on the measured pressure as taught by Weimer et al. in order to control the drying air flow and to maintain a uniformly dried product. The appellant's argument regarding "reducing the heating power of the burner based on drying air volumetric flow rate" is not persuasive because if the incoming cold fresh make-up air of Freze is varied or reduced then, the drying air flow rate will vary or decrease. The heating power will also be reduced since there will be lesser power needed to maintain the desired high drying temperature. Conversely, if the incoming fresh cold make up air is increased, then the drying air flow rate also will increase. There will be more heating power needed to heat up the incoming fresh cold make-up air to maintain the desired high drying temperature. This is simply a common sense. Freze patent clearly shows this operation. In particular, if outgoing exhaust air 30 increases its flow rate, then, the incoming cold fresh make-up air 30 will increase its flow rate. The heating power will inevitably increase to heat the incoming cold make up air to a desired high drying

temperature. If outgoing exhaust air 30 decreases its flow rate, then, the incoming cold fresh make-up air 30 will decrease its flow rate also. The need of the heating power will decrease for heating the incoming cold make up air to a desired high drying temperature.

For the foregoing reasons, it is respectfully submitted that claim 6 is unpatentable over the combination Freze and Weimer patents. The rejection of claim 6 under 35 U.S.C. § 103(a) based on Freze in view of Weimer should be affirmed.

5. Rejection of claim 6 under 35 U.S.C. § 103(a) based on U.S. Patent No. 4,549,362 to Haried in view of U.S. Patent No. 3,538,614 to Weimer et al. ("Weimer").

On pages 10-11 of the Brief, the appellant argues that each of Haried and Weimer fails to teach or suggest controlling a flow dividing device based on an evaluating of a pressure or pressure profile so as to continue a drying process at a reduced volumetric flow rate. Haried does not include a pressure sensor, it cannot teach controlling a flow dividing device based on the evaluating of a pressure or pressure profile, as recited in claim 6. The appellant also argues that neither of these references describes reducing volumetric flow rate based on an evaluating of a pressure and/or pressure profile. Therefore, it would not have been obvious in view of any combination, to the extent proper, of Haried and Weimer to control a flow dividing device based on the evaluating of a pressure and/or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6. The cited references do not teach or suggest reducing the heating power of the burner based on drying air volumetric flow rate, as recited in claim 6. Nor would reduction of the heating power of the burners of Haried and Weimer be inherent based on variation of the incoming fresh make up air, as such reduction in heating power would not necessarily be present in the respective prior systems. The appellant also stated

that that neither of these cited references anywhere teach or suggest reducing the heating power of the heater based on drying air volumetric flow rate, as recited in claim 6. Nor would reduction of the heating power of the burner of Haried and Weimer be inherent based on variation of the incoming fresh make up air, as such reduction in heating power would not necessarily be present in the respective prior systems. No support has been provided by the Examiner for this contention. The examiner disagrees with the appellant's narrow interpretation of the prior art references. The arguments are not germane to the claims at issue. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., controlling a flow dividing device based on an evaluating of a pressure or pressure profile) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, Weimer et al. patent does show and teach such "controlling the flow dividing device 48 based on the evaluating (of measured pressure by pressure sensor 58) so as to reduce or set to zero the recirculated air component 46 (by shutting off damper 48) and to continue a drying process at a reduced volumetric flow rate of the drying air 46 through the drying chamber 16". Therefore, it is the examiner's position that it would have been obvious to one skilled in the art to modify the laundry drying method and apparatus of Haried to include a pressure sensor and a program control module for controlling the damper based on the measured pressure as taught by Weimer et al. in order to control the drying air flow and to maintain a uniformly dried product. The appellant's argument regarding "reducing the heating power of the heater based on drying air volumetric flow rate" is not persuasive because if the incoming cold fresh make-up air 84 in

Haried patent is varied or reduced then, the drying air flow rate will vary or decrease. The heating power will also be reduced since there will be lesser power needed to maintain the desired high drying temperature. Conversely, if the incoming fresh cold make up air 32 is increased, then the drying air flow rate also will increase. There will be more heating power needed to heat up the incoming fresh cold make-up air to maintain the desired high drying temperature. This is simply a common sense. Haried patent clearly shows this operation. In particular, if outgoing exhaust air 30 increases its flow rate, then, the incoming cold fresh make-up air 32 will increase its flow rate. The heating power will inevitably increase to heat the incoming cold make up air to a desired high drying temperature. If outgoing exhaust air 30 decreases its flow rate, then, the incoming cold fresh make-up air 32 will also decrease its flow rate also. The need of the heating power will decrease for heating the incoming cold make up air to a desired high drying temperature.

For the foregoing reasons, it is respectfully submitted that claim 6 is unpatentable over the combination Haried and Weimer patents. The rejection of claim 6 under 35 U.S.C. § 103(a) based on Haried in view of Weimer should be affirmed.

6. Rejection of claim 6 under 35 U.S.C. § 103(a) based on German Patent No. DE 2220425 to Heissmeeier in view of U.S. Patent No. 3,538,614 to Weimer et al. ("Weimer").

On pages 11-13 of the Brief, the appellant argues that each of Heissmeeier and Weimer fails to teach or suggest controlling a flow dividing device based on an evaluating of a pressure or pressure profile so as to continue a drying process at a reduced volumetric flow rate. The appellant also argues that there is no indication in Weimer that the flow rate through a drying chamber is reduced based on an evaluation of the pressure sensor. Neither of these references

describes reducing volumetric flow rate based on an evaluating of a pressure and/or pressure profile. Therefore, it would not have been obvious in view of any combination, to the extent proper, of Heissmeeier and Weimer to control a flow dividing device based on the evaluating of a pressure and/or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6. The cited references do not teach or suggest reducing the heating power of the burner based on drying air volumetric flow rate, as recited in claim 6. Nor would reduction of the heating power of the burners of Heissmeeier and Weimer be inherent based on variation of the incoming fresh make up air, as such reduction in heating power would not necessarily be present in the respective prior systems. The examiner disagrees with the appellant's narrow interpretation of the prior art references. The arguments are not germane to the claims at issue. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., controlling a flow dividing device based on an evaluating of a pressure or pressure profile) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). However, Weimer et al. patent does show and teach such "controlling the flow dividing device 48 based on the evaluating (of measured pressure by pressure sensor 58) so as to reduce or set to zero the recirculated air component 46 (by shutting off damper 48) and to continue a drying process at a reduced volumetric flow rate of the drying air 46 through the drying chamber 16". Therefore, it is the examiner's position that it would have been obvious to one skilled in the art to modify the laundry drying method and apparatus of Heissmeeier to include a pressure sensor and a program

control module for controlling the damper based on the measured pressure as taught by Weimer in order to control the drying air flow and to maintain a uniformly dried product. The appellant's argument regarding "reducing the heating power of the heater based on drying air volumetric flow rate" is not persuasive because if the incoming cold fresh make-up air of Heissmeeier is varied or reduced then, the drying air flow rate will vary or decrease. The heating power will also be reduced since there will be lesser power needed to maintain the desired high drying temperature. Conversely, if the incoming fresh cold make up air is increased, then the drying air flow rate also will increase. There will be more heating power needed to heat up the incoming fresh cold make-up air to maintain the desired high drying temperature. This is simply a common sense. Heissmeeier patent clearly shows this operation. In particular, if outgoing exhaust air 11 increases its flow rate, then, the incoming cold fresh make-up air 10 will increase its flow rate. The heating power 2 will inevitably increase to heat the incoming cold make up air to a desired high drying temperature. If outgoing exhaust air 11 decreases its flow rate, then, the incoming cold fresh make-up air 10 will decrease its flow rate also. The need of the heating power will decrease for heating the incoming cold make up air to a desired high drying temperature.

For the foregoing reasons, it is respectfully submitted that claim 6 is unpatentable over any combination Heissmeeier and Weimer. The rejection of claim 6 under 35 U.S.C. § 103(a) based on Heissmeerier in view of Weimer should be affirmed.

With regard to the rejection of claims 8 and 10, the appellant did not present any rebuttal in the Appeal Brief. The rejection of claims 8 and 10 is now considered as conceded by the appellant. Therefore, claims 8 and 10 have been treated as if they have been withdrawn from appeal. Claims 8 and10 will be cancelled in due course.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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